

§ 960.501 Purpose and scope.

The purpose of this subpart is to permit the admission to public housing of police officers and other security personnel, who are not otherwise eligible for such housing under any other admission requirements or procedures, under a plan submitted by a public housing agency (HA) and approved by the Department, and to set forth standards and criteria for the approval of such plans. The Department's objective in granting the exemption allowed by this subpart is to permit long term residence in public housing developments by police officers and security personnel, whose visible presence is expected to serve as a deterrent to criminal activity in and around public housing.

§ 960.503 Definitions.

Eligible families means families that are eligible for residence in public housing assisted under the United States Housing Act of 1937.

Officer means a professional police officer or other professional security provider. Police officers and other security personnel are considered professional if they are employed full time, i.e., not less than 35 hours per week, by a governmental unit or a private employer and compensated expressly for providing police or security services. As used in this subpart, "Officer" may refer to the Officer as so defined or to the Officer and his or her family taken together, depending on the context.

Plan means the written plan submitted by a public housing agency (PHA) to the Department, under which, if approved, the Department will exempt Officers from the normal eligibility requirements for residence in public housing and allow Officers, who are otherwise not eligible, to reside in public housing units. An HA may have only one plan in effect at any one time, which will govern exemptions under this subpart for all public housing managed by that HA.

[59 FR 39405, Aug. 2, 1994, as amended at 61 FR 5215, Feb. 9, 1996]

§ 960.505 Exemption from eligibility requirements; plan submission; plan approval or disapproval.

(a) *Conditions for exemption.* The Department may exempt Officers from the eligibility requirements for admission to public housing, provided that:

(1) The Officers would not be eligible, under any other admission requirements or procedures, for admission to the public housing development without such an exemption; and

(2) The exemption is given under a properly submitted plan that satisfies the standards and criteria set forth in § 960.507 of this part and, accordingly, has been approved by the Department.

(b) *Plan submission.* A plan is properly submitted when it is received by the local HUD Field Office with jurisdiction over the HA.

(c) *Notification of plan approval or disapproval.* The Department will notify an HA of the approval or disapproval of its plan within thirty days of its submission. Plan approval by the Department constitutes granting of the exemption for the purposes of this subpart.

§ 960.507 Plan standards and criteria.

(a) *Minimum requirements.* To be approved, a plan must satisfy the following requirements:

(1) The plan must identify the total number of units under management by the HA; the specific housing developments, and the number of units they contain, where the HA intends to place Officers; and the particular units (stating number of bedrooms) within each development that would be allocated to Officers. For each unit identified, the plan must state the amount of rent that the Officer will pay and facts and circumstances (such as, the rent that would ordinarily be charged for the unit, the HA's annual maintenance cost for the unit, the degree of difficulty in attracting Officers to reside in the unit, the extent of the crime problem in the development, and the anticipated benefits of the Officer's presence) that demonstrate the reasonableness of that amount, as required under § 960.509(a) of this subpart.

(2) The plan must identify specifically the benefits to the community and to the HA that will result from the presence of Officers in each affected development.

(3) The plan must describe the existing physical and social conditions in and around each affected development, providing specific evidence of criminal activity (such as, frequency of telephone calls to local police, number of arrests and types of offenses involved, and data on drug abuse in the community) in order to permit the Department to make an informed assessment of the level of need for increased security.

(4) The plan must afford the Department a reasonable basis, which necessarily includes the certifications required under § 960.507(b) of this part, for determining that the use by Officers of the identified dwelling units will:

(i) Increase security for other public housing residents;

(ii) Result in a limited loss of income to the HA; and

(iii) Not result in a significant reduction of units available for residence by Eligible Families.

(b) *Certifications by HA.* Only upon making the determination described in § 960.507(a)(4) of this part will the Department approve a plan. Further, the Department will not make such a determination unless the plan contains a written statement, signed by an authorized officer or other agent of the HA, certifying that:

(1) The dwelling units proposed to be allocated to Officers are situated so as to place the Officers in close physical proximity to other residents;

(2) No resident families will have to be transferred to other dwelling units in order to make available the units proposed to be allocated to Officers;

(3) The dwelling units proposed to be allocated to Officers will be rented under a lease that contains the terms described in § 960.509 of this part; and

(4) The number of dwelling units proposed to be allocated to Officers under the plan does not exceed the limits set forth in § 960.507(c) of this part or, in the alternative, any units so allocated in excess of the applicable maximum number are vacant units for which there are no Eligible Families. This

certification on the part of the HA satisfies the requirements of §§ 960.507(a)(4)(ii) and (iii) of this part.

(c) *Unit allocation table.* For purposes of the certification required by § 960.507(b)(4) of this part, the following table sets forth the maximum number of units to be allocated to Officers as a function of the total number of units under management by the HA:

UNIT ALLOCATION TABLE

Total units under management	Units to be allocated
500-999	5
1000-4999	10
5000-9999	15
10,000+	20

The maximum number of units to be allocated by HAs with less than 500 units under management will be determined by the Field Office on a case by case basis.

(Approved by the Office of Management and Budget under OMB control number 2577-0185)

§ 960.509 Special rent requirements and other terms and conditions.

The HA shall lease units to Officers under a lease agreement that is consistent with the requirements of this section and 24 CFR part 966. The requirements of this section shall take precedence if there is any inconsistency between them and 24 CFR part 966.

(a) *Reasonable rent.* The lease shall provide for a reasonable rent, which may be a flat amount not related to the Officer's income. The HA should attempt to establish a rent that will provide an incentive to Officers to reside in the units but that is also consistent with the limited loss of income requirement of § 960.507(a)(4)(ii) of this part. As required in § 960.507(a)(1) of this part, the plan must state facts and circumstances (such as, the rent that would ordinarily be charged for the unit, the HA's annual maintenance cost for the unit, the degree of difficulty in attracting Officers to reside in the unit, the extent of the crime problem in the development, and the anticipated benefits of the Officer's presence) that demonstrate the reasonableness of the rent amount.